IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6240 OF 2005.

The State of Maharashtra. ... Applicant.

Versus.

Anand Sangappa Dhage & anr. ... Respondents.

Shri A.S.Shitole, A.P.P. for the Applicant.

None for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 10th November, 2006.

P.C.:

1. Heard the learned A.P.P. for the State. The Respondents have been acquitted for offences punishable under sections 324, 504 read with section 34 of the Indian Penal Code. A perusal of the impugned Judgment and Order shows that the learned Judge has considered the evidence of all the prosecution witnesses. P.W.1 and P.W.2 who were panch witnesses turned hostile and therefore, spot panchanama could not be proved. The learned trial Judge has also considered the evidence of an alleged eye witness. The learned Judge came to the conclusion that there was a serious doubt whether he could have seen the incident. The learned Judge held that the evidence of the prosecution witnesses does not inspire confidence.

2. The view taken by the learned trial Judge is a possible view on the basis of the evidence on record.

Hence the application is rejected.

Judge.